

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference M03-MT355CT1	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/003694	International filing date (day/month/year) 18.03.2004	Priority date (day/month/year) 13.05.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input checked="" type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-23 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-7, 10-11, 15-19, 21 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 9, 13-14, 22-26 _____ received by this Authority on 21.01.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-19 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 8, 12, 20 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:

The feature that is common to claims 1 to 21 is the feature of selecting a desired modulation code from among a plurality of candidate modulation codes in order to limit the digital sum value (DSV) or the direct current component.

However, the feature in question is disclosed in document 1; therefore, it is not novel. As a result, said feature does not define a contribution over the prior art, and thus cannot be a special technical feature in the meaning of the second sentence of PCT Rule 13.2.

[Refer to the Supplemental Box]

4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. _____

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-7, 9-11, 13-19, 21-26	YES
	Claims		NO
Inventive step (IS)	Claims	1-7, 9-11, 13-19, 21-26	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-7, 9-11, 13-19, 21-26	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Claims 1 to 7 and 18 to 19

The feature of determining which modulation code among the plurality of candidate modulation codes will cause a relative decrease in the level of change in the DSV and then selecting said modulation code is not disclosed in any of the documents that are cited in the international search report, and would not have been obvious to a person skilled in the art.

Claims 9 to 11 and 22 to 24

The feature of initializing the DSV in cases when the DSV reaches or exceeds a predetermined threshold is not disclosed in any of the documents that are cited in the international search report, and would not have been obvious to a person skilled in the art.

Claims 13 to 14 and 25 to 26

The feature of initializing the DSV periodically using a prescribed frequency that has been established so as to accommodate the characteristics of the signal reproduction device for reproducing the modulation code is not disclosed in any of the documents that are cited in the international search report, and would not have

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

been obvious to a person skilled in the art.

Claims 15 to 17 and 21

The feature of accumulating values which have been weighted by means of weighting factors that are associated with the run length for use as an index that expresses the DC component and selecting a modulation code which causes the index in question to approach a predetermined value is not disclosed in any of the documents that are cited in the international search report, and would not have been obvious to a person skilled in the art.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV.3

Furthermore, there is no other common feature that can be considered to be a special technical feature in the meaning of the second sentence of PCT Rule 13.2; consequently, there cannot be found to be a technical relationship in the meaning of PCT Rule 13 among these different inventions.

Document 1: JP 64-005229 A (NEC Home Electronics Ltd.),
10 January 1989